Remarks

Reconsideration of the present application is respectfully requested. Prior to the entry of this Response, claims 1-30 were pending in this application. Upon entry of this Response, claims 1-34 will be pending.

In the Office Action mailed February 13, 2004, the Examiner rejected claims 1, 3, 6, 8, 12, 14, 20, 23 and 24 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,634,408 to Mays ("the '408 patent") in view of U.S. Patent No. 5,109,222 to Welty ("the '222 patent"). The Examiner also rejected claims 2, 4, 5, 7, 9-11, 13, 15-19, 21, 22 and 25-30 under §103(a) as unpatentable over the '408 patent in view of the '222 patent and various other U.S. patents.

In response, the Applicant respectfully traverses the Examiner's rejections for the reasons set forth in detail below.

Rejection of Claims 1, 3, 6, 8, 12, 14, 20, 23 and 24 Under 35 U.S.C. §103(a)

As noted above, the Examiner rejected claims 1, 3, 6, 8, 12, 14, 20, 23 and 24 under §103(a) as unpatentable over the '408 patent in view of the '222 patent. The Applicant believes, however, that those claims are not an obvious combination of those references.

Independent claims 1 and 14 are directed to a system for actuating a hand-held garage door transmitter having an activation button. A control module is adapted to receive the garage door transmitter, and includes a receiver, a controller and an actuator. The receiver is for receiving a signal, such as from a vehicle transmitter, for controlling the garage door transmitter. The controller is for generating a signal for controlling the actuator in response to receipt by the receiver of the garage door transmitter control signal. The actuator is for actuating the activation button of the garage door transmitter in response to the garage door transmitter actuator control signal from the controller. In such a fashion, the garage door

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transmitter then transmits a control signal for use in operating a garage door. That is, the control signal from the garage door transmitter is received by a garage door controller, which then energizes a motor in order to move the garage door.

Similarly, independent claims 8 and 23 are also directed to a system for actuating a hand-held garage door transmitter having an activation button. A control module is adapted to receive the garage door transmitter, and includes a transceiver, a controller and an actuator. The transceiver is for automatically transmitting an interrogation signal and for receiving a signal, such as from a vehicle transceiver, for controlling the garage door transmitter. The controller is for generating a signal for controlling the actuator in response to receipt by the transceiver of the garage door transmitter control signal. The actuator is for actuating the activation button of the garage door transmitter in response to the garage door transmitter actuator control signal from the controller. Once again, in such a fashion, the garage door transmitter then transmits a control signal for use in operating a garage door. That is, the control signal from the garage door transmitter is received by a garage door controller, which then energizes a motor in order to move the garage door.

It should be noted that the Applicant has amended claims 1, 8, 14 and 23 to more particularly reflect the Applicant's invention. Support for those amendments, which do not change the scope of those claims, can be found in the Specification of the present application, on page 6, line 22 through page 7, line 26, and on page 8, line 20 through page 9, line 27.

The '408 patent is directed to an automatic barrier operation system. The system of the '408 patent includes a remote control unit (46) having a transmitter and a receiver (58, 60), and a garage door controller (36) having a transmitter and a receiver (54, 56). In operation, garage door controller (36) may send a query signal via transmitter (54) for receipt by remote control unit (46) via receiver (58). If remote control unit (46) recognizes that query signal, then remote control unit (46) sends a return signal via transmitter (60) for receipt by garage door controller (36) via receiver (56). If garage door controller (36)

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determines that remote control unit (46) is within a predetermined range, then garage door controller (36) may initiate an action such as energizing motor (53) to move garage door (20).

Thus, in contrast to claims 1, 8, 14 and 23, the '408 patent fails to teach or suggest a control module adapted to receive a hand-held garage door transmitter having an activation button. The '408 patent also fails to teach or suggest a control module having a controller and an actuator, where the controller, in response to the receipt of a signal for controlling the garage door transmitter, generates a signal for controlling the actuator to actuate the activation button of the garage door transmitter. Indeed, the Examiner acknowledges that the '408 patent fails to teach or suggest such an actuator.

The '222 patent, which is directed to a remote control system for control of electrically operable equipment in occupiable structures, fails to overcome the deficiencies of the '408 patent. The Applicant first notes that the '222 patent does not include any discussion of a garage door or control thereof, nor does the '222 patent include any discussion of RF driver (50) or its interaction, if any, with the "garage door" depicted in Figure 5. Regardless, even if RF driver (50) transmits a signal to the "garage door," RF driver (50) is neither a hand-held garage door transmitter nor an actuator for actuating the activation button of such a garage door transmitter. At most, RF driver (50) is a device that may provide for operation of the "garage door" separately from operation of the "garage door" with a hand-held, remote garage door transmitter, which would be located in a vehicle for use by a vehicle occupant. Indeed, the system of the '222 patent is not designed for use with any such garage door transmitter.

The Applicant therefore believes that any combination of the '408 and the '222 patents fails to teach or suggest the Applicant's invention as recited in independent claims 1, 8, 14 and 23. Accordingly, reconsideration of the Examiner's rejection thereof under 35 U.S.C. § 103(a) is respectfully requested. Claims 3, 6, 12, 20 and 24 depend either directly or indirectly from independent claims 1, 8, 14 and 23, respectively, and include all the limitations thereof. As a result, and for the reasons set forth above concerning claims 1, 8,

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14 and 23, the Applicant believes that claims 3, 6, 12, 20 and 24 likewise overcome the Examiner's rejection thereof under § 103(a), and reconsideration of that rejection is also respectfully requested.

In that same regard, the Applicant has added new claims 31-34, which depend from independent claims 1, 8, 14 and 23, respectively, and include all the limitations thereof. Moreover, neither the '408 patent, the '222 patent, nor any of the other references of record teach or suggest, as set forth in new claims 31-34, an actuator that is selectively moveable or selectively positionable adjacent an activation button of a garage door transmitter. Support for these new claims can be found in the Specification of the present application, on page 7, lines 19-22, and on page 9, lines 20-23. As a result, and for the reasons set forth above concerning independent claims 1, 8, 14 and 23, the Applicant believes that new claims 31-34 define patentable subject matter.

Rejections of Claims 2, 4, 5, 7, 9-11, 13, 15-19, 21, 22 and 25-30 under 35 U.S.C. §103(a)

As previously noted, the Examiner also rejected claims 2, 4, 5, 7, 9-11, 13, 15-19, 21, 22 and 25-30 under §103(a) as unpatentable over the '408 patent in view of the '222 patent and various other U.S. patents. The Applicant believes, however, that those claims are not rendered obvious by any combination of those references.

In that regard, as demonstrated above, any combination of the '408 and '222 patents fails to teach or suggest the Applicant's invention as recited in independent claims 1, 8, 14 and 23. Claims 2, 4, 5, 7, 9-11, 13, 15-19, 21, 22 and 25-30 depend either directly or indirectly from independent claims 1, 8, 14 and 23, respectively, and include all the limitations thereof. As a result, and for the reasons set forth above concerning claims 1, 8, 14 and 23, the Applicant believes that claims 2, 4, 5, 7, 9-11, 13, 15-19, 21, 22 and 25-30 likewise overcome the Examiner's rejection thereof under § 103(a), and reconsideration of that rejection is respectfully requested.

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Conclusion

For the foregoing reasons, the Applicant believes that claims 1-34 meet both the formal and substantive requirements for patentability, and that the application is in condition for allowance. Accordingly, such action by the Examiner is respectfully requested.

A check in the amount of $72.00 is enclosed to cover the fee for additional claims 31-34. Please charge any additional fees, or credit any overpayments, as a result of the filing of this Response to our Deposit Account No. 02-3978. A duplicate of this page of the Response is enclosed for that purpose

If a telephone conference would expedite allowance or resolve any additional questions, such a call is invited at the Examiner's convenience.

Respectfully submitted,

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